UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
	v.)	
)	Docket No. 16-CR-40025-TSH
(1)	IVAN CRUZ-RIVERA and)	
(2)	CARLOS JIMENEZ)	
)	
	Defendants.)	
)	

UNITED STATES' MOTION FOR JUDICIAL NOTICE OF ADJUDICATIVE FACTS

The United States, through United States Attorney Andrew E. Lelling and Assistant United States Attorneys Michelle L. Dineen Jerrett and William F. Abely, hereby respectfully requests that the Court take judicial notice of the following two facts:

- The distance between Englishtown, NJ and Lawrence, MA is approximately 272 miles for vehicular travel via divided highway; and
- The distance between Lawrence, MA and Leominster, MA is approximately 38 miles for vehicular travel via divided highway.

In support of this motion, the United States submits that, pursuant to Fed. R. Evid. 201, the Court "may judicially notice a fact that is not subject to reasonable dispute because it... can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." The highway mileage between two cities may be accurately and readily determined via maps or mapping services, and the accuracy of such distance cannot be reasonably disputed. *See, e.g., United States v. Moon*, 802 F.3d 135, 149 and n. 11 (1st Cir. 2015) (taking judicial notice of the distance between Worcester and Boston). *See also*

¹ Based on queries input today, Google Maps proposes two driving routes from Englishtown to Lawrence (one of 272 miles and one of 281 miles) and proposes two driving routes from Leominster to Lawrence (one of 38.2 miles and one of 43.9 miles).

Deutch v. United States, 367 U.S. 456, 470 (1961) (taking judicial notice of the mileage between Ithaca, NY and Albany, NY); Boyce Motor Lines v. United States, 342 U.S. 337, 344 (1952) ("[w]e may, of course, take judicial notice of geography").

Given the foregoing, and the trial testimony to date concerning certain supposed car travel, the United States respectfully requests that the Court take judicial notice of the above two facts.

Respectfully submitted,

ANDREW E. LELLING United States Attorney

By: /s/ William F. Abely

MICHELLE L. DINEEN JERRETT

WILLIAM F. ABELY Assistant U.S. Attorneys

United States Attorney's Office

District of Massachusetts Donohue Federal Building

595 Main Street

Worcester, Massachusetts 01608

William. Abely@usdoj.gov

Date: December 11, 2018

CERTIFICATE OF SERVICE

This is to certify that I shall cause a copy of the foregoing document to be served on counsel to Defendants via ECF.

/s/ William F. Abely WILLIAM F. ABELY Assistant U.S. Attorney

Dated: December 11, 2018

RULE 7.1 CERTIFICATION

This is to certify that counsel to the United States has conferred with opposing counsel and have attempted in good faith to resolve or narrow the issue.

/s/ William F. Abely WILLIAM F. ABELY Assistant U.S. Attorney

Dated: December 11, 2018